

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

ADMINISTRATIVE ORDER NO. 2001-4

RE: Adult Drug Court Calendar for Providence and Bristol Counties

There is hereby established as a pilot program in the Superior Court an Adult Drug Court Calendar in and for Providence and Bristol Counties.

PURPOSE

The treatment-based Adult Drug Court Program combines the coercive powers of the court with a therapeutic regimen to foster rehabilitation of and accountability in substance-abusing defendants. The program goals are to reduce alcohol or substance dependence among offenders, as well as to integrate the justice system with the therapeutic community in order to maximize an offender's likelihood of success.

ORGANIZATION

The Presiding Justice, as the administrative judge of the Superior Court, has overall responsibility for the program. He hereby appoints Associate Justice Edward C. Clifton as the first judge to preside over the Adult Drug Court Calendar.

The Drug Court judge will hear Drug Court cases, provide judicial supervision for the program, and serve as leader of the Drug Court team. The Drug Court team shall consist of a prosecutor, defense attorney, Drug Court coordinator, a probation counselor and a case care coordinator (CCC).

The CCC will serve as primary liaison between the Drug Court and the defendants. A case care coordinator, certified by the Department of Mental Health, Retardation, and Hospitals, will conduct an independent comprehensive assessment of individual needs, develop an individualized treatment plan (ITP), make referrals to direct service providers and community organizations, monitor and re-evaluate ITPs as needed, provide weekly progress reports to the court and participate in Drug Court sessions.

ELIGIBILITY GUIDELINES AND REFERRAL PROCESS

The Rhode Island Department of Attorney General will screen all Providence and Bristol County cases for an alcohol or other drug charge (AOD), or for any defendants charged with another non-violent offense with a history of AOD use/abuse.

If a case with an AOD-involved defendant appears appropriate for the Drug Court, eligibility will then be determined. To be considered for Drug Court, a defendant must meet the following criteria:

- 1. Adult residing in Providence/Bristol county;**
- 2. Charged with an AOD offense or charged with another non-violent offense, but with a history of AOD use or abuse;**
- 3. Exhibits a history of AOD use, dependency or abuse;**

4. No prior adjudication or finding involving a crime of violence and no currently pending charge of a crime of violence;
5. Indicate a willingness to enter a plea of nolo contendere; and
6. Agree to abide by the terms and conditions of the Drug Court as set forth in the Drug Court Contract and the Memorandum of Understanding.

If a case appears to fit the above eligibility guidelines, the Attorney General's Department will place a pre-qualified notice in the defendant's file and will inform the Drug Court coordinator. Once the case is flagged, the Drug Court coordinator will notify the defendant of Drug Court preliminary eligibility. The Drug Court coordinator will assign the CCC to the file. The CCC will complete the assessment and ITP within fourteen (14) days of referral. The CCC will obtain all relevant information including a police report of the current charge and prior offense history. At the arraignment, the defendant and the defendant's attorney will be advised of the availability and requirements of the Drug Court program.

If a defendant is indicated as an appropriate candidate for the Drug Court, the CCC will so advise the defendant and defense attorney. The CCC will next schedule an initial Drug Court team conference to consider the defendant's acceptance in the Drug Court Program.

The Drug Court CCC will be available at arraignment to explain the program and schedule a preliminary substance abuse assessment. If a defendant, after consultation with his or her attorney, is amenable, the CCC will conduct an interview and substance abuse screening of the defendant. All information obtained will remain confidential and will be used for Drug Court purposes only.

In accordance with Federal regulations, 42 C.F.R. §290, all records in these cases are **CONFIDENTIAL**. They are to be marked as such, and all court records pertaining to a case during the course of a participant's treatment are to be maintained by the Drug Court judge in

his/her chambers. Any inquiries on such a participant, or even a defendant who has only been referred to the program, are to be referred directly to the Drug Court judge. For the purpose of docket entries and other records transmissions, the following is the only designation which should be used:

"Referred to Alternative Sentencing (RAS)"

Further, the following are the only individuals who may have access to the Drug Court case files of those who are presently participating in treatment:

The Drug Court team, as specified above, namely:

1. The Drug Court judge
2. The prosecutor
3. The defense attorney
4. The Drug Court coordinator
5. The probation counselor assigned to the case
6. The case care coordinator (CCC)
7. The clerk to the Drug Court judge

Team conferences will be held prior to a Drug Court session. All team members should be present at a conference. Attorneys should possess authority to negotiate or agree to pleas at the team conference. The Drug Court judge makes the final determination as to whether a defendant is admitted into the program. In the event that a defendant is not accepted into the program and/or does

not agree to participate, he or she will be given a pre-trial date to appear before a judge on the daily criminal calendar.

If a defendant is accepted into the program, an orientation session with the defendant will be held at the next regularly scheduled Drug Court session. A defendant must enter a plea of nolo contendere prior to acceptance into the program.

All defendants will execute and be bound by a Drug Court Contract. The Drug Court Contract sets forth the court's expectations, the role and responsibilities of the Drug Court team, the conditions imposed upon and responsibilities of the defendant, and the treatment plan goals and strategies.

Thereafter, the Drug Court team will convene weekly, or as needed, to review the defendant's progress. The defendant will attend regularly scheduled Drug Court sessions as ordered by the Drug Court judge. The Drug Court judge may offer incentives to a defendant and/or may sanction a defendant for non-compliance with Drug Court conditions and orders. Such sanctions could include a period of incarceration. Repeated failure to conform to Drug Court conditions and orders may result in termination from the Drug Court program by the judge and referral to the daily criminal calendar for disposition.

Successful completion of the program may result in vacating the plea and dismissing the underlying charge(s). If a defendant fails to abide by the Drug Court conditions and orders, he or she may be terminated from the program by the Drug Court judge and sentenced as he or she deems appropriate.

This order shall become effective on February 20, 2001.

BY ORDER OF:

DATED: FEBRUARY 20, 2001

**JOSEPH F. RODGERS, JR.
PRESIDING JUSTICE**